REMARKS

Applicant has carefully reviewed the Application in light of the Office Action mailed June 7, 2005. At the time of the Office Action, Claims 1-48 were pending in the Application. Applicant respectfully requests reconsideration of the pending claims and favorable action in this case.

Section 103 Rejections

The Examiner rejects Claims 1-40, 43-44, and 48 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,529,491 issued to Chang et al. (hereinafter *"Chang"*) in view of U.S. Patent No. 6,167,268 issued to Souissi et al. (hereinafter *"Souissi"*). The Examiner rejects Claims 41 and 42 under 35 U.S.C. §103(a) as being unpatentable over *Chang* in view of *Souissi* as applied to Claim 40 above and in further view of U.S. Patent No. 6,246,875 issued to Seazholtz, et al. (hereinafter *"Seazholtz"*). The Examiner rejects Claim 45 under 35 U.S.C. §103(a) as being unpatentable over *Chang* in view of *Souissi* as applied to Claim 40 above and in further view of U.S. Patent No. 5,613,199 issued to Yahagi (hereinafter *"Yahagi"*). The Examiner rejects Claim 46 under 35 U.S.C. §103(a) as being unpatentable over *Chang* in view of *Souissi* as applied to Claim 40 above and in further view of U.S. Patent No. 6,115,582 issued to Ishida (hereinafter *"Ishida"*). The Examiner rejects Claim 47 under 35 U.S.C. §103(a) as being unpatentable over *Chang* in view of *Souissi* as applied to Claim 40 above and in further view of U.S. Patent No. 6,278,877 issued to Brederveld et al. (hereinafter *"Brederveld"*). These rejections are respectfully traversed for the following reasons.

Applicant would like to point out that Applicant understands the Examiner's contention and his strategy in employing the use of *Chang* and *Souissi*. Having understood the Examiner's perspective, Applicant feels well-positioned to demonstrate the allowability of the pending claims. Applicant is confident in a mutually-agreeable resolution being reached in this case.

Independent Claim 1 recites scanning for the specified network in response to at least determining that the mobile device is within the coverage area of the specified network, where a decision as to whether to scan, by the mobile device, for the specified network is based on a distance between the location of the mobile device and a location of the specified

network. In the context of this subject matter, the Examiner acknowledges the deficiencies in *Chang*, but relies on *Souissi* for missing disclosure.

The point to appreciate of Independent Claim 1 is that the last paragraph includes a number of dependent or integrated operations, which inherently preclude the use of *Chang* and *Souissi*. For example, scanning in Independent Claim 1 is done in response to determining whether the mobile device is within a coverage area. Furthermore (and continuing with the theme of integration), the decision as to whether to scan at all is based on a distance measurement between the mobile device and the specified network. This is why using *Souissi* is inappropriate because the decision as to whether to even scan is not provided. In particular, *Souissi* provides a distance evaluation: but an evaluation that is not within the environment of determining whether the mobile device is within a coverage area of a specified network based on the data and scanning for the specified network in response to at least determining that the mobile device is within the coverage area of the specified network. The Examiner and Applicant are in agreement on this issue. Moreover, if the scan decision is reached, then the scanning is done *after* determining that the mobile device is within the coverage area of the specified network. There is nothing in either of the cited references that provide these operations. More importantly, these two operations and their interactive quality are essential for the architecture.

Perhaps an argument could be made that the decision to even scan at all is insignificant. However, scanning represents processing loads and battery consumption and, thus, should be minimized or optimized at every opportunity. Additionally, scanning can be used to reduce or increase customer charges for mobile device subscribers. Thus, the decision as to *whether* to even scan (said decision being based on a distance metric) is not trivial. The scan decision and the identification of whether the mobile device is within the coverage area are both important related operations (i.e. the outcome of one affects the outcome of the other) in the context of Independent Claim 1. For at least these reasons, Independent Claim 1 is patentable over the cited references.

Accordingly, Independent Claim 1 is patentable over *Chang, Souissi*, and *Seazholtz* for at least these reasons. Additionally, Independent Claims 14, 27, and 40 include a similar limitation to that identified above and, thus, are also allowable over *Chang, Souissi*, and *Seazholtz* for similar reasons. In addition, the corresponding dependent claims associated

with these Independent Claims are also patentable over these references for analogous reasons. Notice to this effect is respectfully requested.

Applicant is fully prepared to appeal this case should the Examiner not be persuaded by Applicant's arguments.
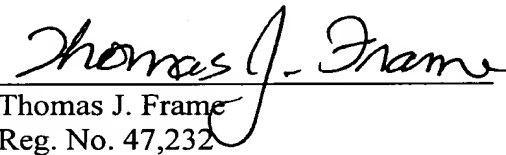
CONCLUSION

Applicant has now made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for all other reasons clear and apparent, Applicant respectfully requests reconsideration and allowance of the pending claims.

Applicant believes no fee is due. If this is not correct, the Commissioner is hereby authorized to charge any fees or credit any overpayment to Deposit Account No. 02-0384 of Baker Botts, L.L.P.

If there are matters that can be discussed by telephone to advance prosecution of this application, Applicant invites the Examiner to contact its attorney, Thomas J. Frame, at (214) 953-6675.

Respectfully submitted,
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